

Remarks

Claims 1-8 are pending in the present application. By this amendment, claims 1-8 have been amended. No new matter is believed added.

Claims 1 and 3-8 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Examiner alleges that:

- (A) "Applicant failed to mention 'managing and controlling network resources' as claimed in claim 1 step (c), in the specification";
- (B) "Applicant also failed to mention 'handling a delivery monitoring service' as claimed in claim 1 step (c), in the specification"; and
- (C) "[A]pplicant failed to mention 'statistical processing' and how it relates to managing and controlling network resources as claimed in claim 1 step (c), in the specification."

Applicants respectfully disagree and submit that all claimed subject matter is fully described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Regarding point (A), the Examiner's attention is directed to page 3, line 23 to page 4, line 23, of the specification, which clearly details how the network resource of "output bitrate" is modified (i.e., managed and controlled) based on network status (see also FIGS. 2 and 3).

Regarding point (B), the above-referenced sections of the specification clearly detail how the delivery of packets is monitored and how the output bitrate is adjusted based on the monitored packets.

Regarding point (C), the Examiner's attention is directed to the "statistics processing stage 233" in FIG. 1 and its associated description.

Claims 1-8 have been amended to delete the term "interactive" in view of the rejection under 35 U.S.C. 112, second paragraph. Regarding the Examiner's questioning of the term "ready" in claim 1, Applicants submit that claim 1 clearly sets forth that the packets are "ready to be sent" towards the network.

Claims 1-8 are rejected under 35 U.S.C. 103(a) over Cannon (US 6,842,447) in view of Mecayten (US 6,725,191). This rejection is defective because Mecayten is not a valid reference under 35 U.S.C. 103(a). In particular, the filing date of the present patent application (June 1, 2001) is earlier than the filing date of Mecayten (July 19, 2001). Further, this rejection is defective because Cannon fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Claim 1 includes:

"means for managing and controlling the network resources and handling a delivery monitoring service of said packets on the network according to said resources, comprising:  
a receiving stage for receiving incoming packets from the network;  
an analysis stage for analyzing the incoming packets;  
a statistics processing stage for computing statistics based on analysis provided by the analysis stage; and  
a formatting stage for creating packets to be sent toward said network."

In the Office Action, the Examiner admits that Cannon fails to disclose the claimed "means for managing and controlling the network resources and handling a delivery monitoring service of said packets on the network according to said resources." To overcome this glaring deficiency of Cannon, the Examiner relies on the teachings of Mecayten. However, as stated above, Mecayten is not a valid reference under 35 U.S.C. 103(a). Accordingly, since Cannon

fails to teach or suggest each and every feature of the claims as required by 35 U.S.C. 103(a),  
Applicants respectfully submit that claims 1-8 are allowable.

If the Examiner believes that anything further is necessary to place the application in  
condition for allowance, the Examiner is requested to contact Applicants' undersigned  
representative at the telephone number listed below.

Respectfully submitted,

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